

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

EAZYPOWER CORPORATION, an Illinois corporation,

Plaintiff,

v.

JORE CORPORATION, a Delaware corporation,

Defendant.

No. 04C 6372

Hon. James B. Zagel

STIPULATION AND ORDER
RESETTING PRE-TRIAL
DISCOVERY SCHEDULE AND
TRIAL DATE

Plaintiff Eazypower Corporation ("Eazypower") and defendant Jore Corporation ("Jore") hereby stipulate to the following proposed Order setting a pre-trial discovery schedule and trial date in the above-captioned matter:¹

¹ Please note that the schedule proposed below is based on the assumption that the Court will render its *Markman* determination on or before August 1, 2007. If this date is not feasible, the parties may need to seek the permission of this Court to modify the scheduling order.

| EVENT | DATE |
|---|----------------------|
| Markman Hearing (The Plaintiff and Defendant disagree as to whether or not a Markman Hearing is necessary. The Plaintiff believes that it is and the Defendant believes it is not). | |
| Deadline for identification of expert witnesses who may offer an opinion regarding issues on which parties bear burden of proof | November 5, 2007 |
| Fact discovery deadline | November 16, 2007 |
| Discovery Motions related to fact discovery must be filed by | November 30, 2007 |
| Deadline for service of reports from expert witnesses on issues on which parties bear burden of proof, under FRCP 26(a)(2) | December 12, 2007 |
| Deadline for service of rebuttal expert reports, and for identification of experts retained for the purpose of rebuttal, if any | January 10, 2008 |
| Expert discovery completed by | February 21, 2008 |
| All motions related to expert discovery must be filed by this date | March 7, 2008 |
| All dispositive motions must be filed by this date | March 31, 2008 |
| All <i>Daubert</i> motions must be filed by this date | 30 days before trial |
| Pretrial Conference (to be scheduled by the Court at least 30 days before trial) | |
| Agreed Pretrial Order due | 15 days before trial |
| TRIAL DATE [Jury Trial Requested] (to be scheduled by the Court) | |

Estimated length of trial: 5-6 days

All dates not set in this Order shall be as specified in the Federal Rules of Civil Procedure and this Court's Local Rules. If any date identified in this Order or this Court's Local Rules falls on a weekend or federal holiday, the act or event shall be performed on the

next business day. The dates set herein are firm and may be changed only by Order of the Court for good cause shown, and not by agreement of counsel or the parties.

If the dates assigned by the Court for the trial of this matter create an irreconcilable conflict, counsel must notify Mr. Don Walker, Courtroom Deputy, at 312-435-5714, within 10 days of the date of this Order and must set forth the exact nature of the conflict. A failure to do so will be deemed a waiver.

STIPULATED AND AGREED TO:

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Dated this ____ day of _____, 2007.

HONORABLE JAMES B. ZAGEL
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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